

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE: Eulalio Gonzalez a/k/a Lalo
Gonzalez; Hilda R. Gonzalez

Debtor(s),

Chapter 13

Case No. 15-26403

Judge Bruce W. Black

NOTICE OF MOTION

TO: SEE ATTACHED ADDRESSES

PLEASE TAKE NOTICE THAT ON April 1, 2016 at 10:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Bruce W. Black, U.S. Bankruptcy Judge, 150 West Jefferson Street, 2nd Fl, Joliet, Illinois and shall then and there present the attached Motion, at which time you may appear if you so desire.

CERTIFICATION

I, the undersigned Attorney, Certify that I served a copy of this Notice to the Addresses attached by Electronic Notice through ECF or by depositing the same at the U.S. Mail at 1 North Dearborn, Chicago, Illinois 60602 at 5:00 P.M. on March 15, 2016, with proper postage prepaid.

Pierce & Associates, P.C.

*THESE DOCUMENTS ARE AN
ATTEMPT TO COLLECT A DEBT AND
ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE*

/s/Yanick Polycarpe
Yanick Polycarpe
ARDC#6237892
1 N. Dearborn St. Suite 1300
Chicago, IL 60602
(312) 346-9088

254889-26954

NOTICE OF MOTION ADDRESSES

To Trustee:

Glenn B. Stearns
801 Warrenville Rd
Suite 650
Lisle, IL 60532

by Electronic Notice through ECF

To Debtor:

Eulalio Gonzalez, and Hilda R. Gonzalez
14144 S. Chickasaw Tr.
Homer Glen, IL 60491

by U.S. Mail

To Attorney:

Charles L. Magerski
900 Jorie Boulevard Suite 150
Oak Brook, IL 60523

by Electronic Notice through ECF

Pierce & Associates, P.C.
Attorney For: Creditor
1 N. Dearborn St. Suite 1300
Chicago, IL 60602
(312) 346-9088

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MOTION TO MODIFY THE AUTOMATIC STAY AND MOTION TO DISMISS

NOW COMES CitiMortgage, Inc., by and through its attorneys, Pierce & Associates, P.C., and requests that the Automatic Stay heretofore entered on the property located at 14144 S. Chickasaw Tr., Homer Glen, IL 60491, be Modified or alternatively that the above captioned Chapter 13 be dismissed, stating as follows:

1. On July 31, 2015, the above captioned Chapter 13 was filed.
2. On December 4, 2015, the above captioned Chapter 13 was confirmed.
3. CitiMortgage, Inc. services the first mortgage lien on the property located at 14144 S. Chickasaw Tr., Homer Glen, IL 60491.
4. The Plan calls for the debtors to be the disbursing agent for the post-petition mortgage payments directly to CitiMortgage, Inc. Post-petition payments are \$1,951.88.
5. The post-petition mortgage payments are due and owing for January 2016. The default to CitiMortgage, Inc. is approximately \$5,598.74 through March 2016.
6. Attorney's fees are \$650.00 and costs are \$176.00 for filing this motion.
7. The plan is in material default.
8. CitiMortgage, Inc. continues to be injured each day it remains bound by the Automatic Stay.
9. CitiMortgage, Inc. is not adequately protected.

10. The property located at 14144 S. Chickasaw Tr., Homer Glen, IL 60491 is not necessary for the debtor's reorganization.
13. CITIMORTGAGE, INC. services the loan on the property referenced in this Motion for relief. In the event the Automatic Stay in this case is modified, this case dismisses, and/or the debtors obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of CitiMortgage, Inc., the Noteholder. Noteholder, directly or through an agent, has possession of the promissory note. The promissory Note is either made payable to Noteholder or has been duly endorsed.
14. No cause exists to delay the enforcement and implementation of relief and Bankruptcy Rule 4001(a)(3) should be waived.

WHEREFORE, YOUR MOVANT respectfully prays that the Automatic Stay on the property located at 14144 S. Chickasaw Tr., Homer Glen, IL 60491, be modified, and that the above captioned Chapter 13 be dismissed, and that Bankruptcy Rule 4001(a)(3) be waived as not applicable, and leave be granted to CitiMortgage, Inc. to proceed with foreclosure, and for such other and further relief as this Honorable Court deems just.

CitiMortgage, Inc.

/s/Yanick Polycarpe
Yanick Polycarpe
ARDC#6237892

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